



# THE ATTORNEY GENERAL OF TEXAS

GERALD C. MANN  
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ATTORNEY GENERAL

AUSTIN 11, TEXAS

Honorable Roy L. Hill  
County Attorney  
Ballinger, Texas

Dear Sir:

Opinion No. 9-1323

Re: Amount of pay for election judges  
and clerks holding consolidation  
election.

We received your letter of August 23, 1939, wherein you request our opinion as to the amount of pay which should be allowed election judges and clerks serving in an election or elections held to determine whether an independent school district and a common school district should be consolidated.

Article 2806, Revised Civil Statutes, provides for the consolidation of common school districts and adjacent independent school districts but no provision is made for the payment of the costs of the election in that statute. Article 2774a, Section 3, Revised Civil Statutes, provides for the election of trustees of consolidated school districts and provides for the payment of \$2.00 per day as compensation for each of the persons holding such election. Article 2746 of the Revised Civil Statutes provides for the payment of \$1.00 per day to persons holding common school district trustee elections. None of these statutes, however, fixes the compensation for judges and clerks of elections held for the purpose of determining whether common school districts and independent school districts shall consolidate.

It is our opinion that the election in question is a special election. Williams v. Hammond, 278 S.W. 304; Clark v. Willrich, 146 S.W. 947; Wallis v. Williams, 108 S.W. 153; Scherz v. Pelfer, 74 S.W. (2) 327.

Article 2943, Revised Civil Statutes, as amended in 1937, provides that "judges and clerks of general and special elections shall be paid \$3.00 a day each and 30¢ per hour each for any time in excess of a day's work as herein defined; . . . ten working hours shall be considered a day within the meaning of this Article." Since there is no other statute specifically fixing the pay of judges and clerks serving in school consolidation elections, it is our opinion that the compensation of such persons is governed by Article 2943, Revised Civil Statutes, as aforesaid.

In our opinion No. 0-623, dated April 15, 1939, addressed to H.A. Hodges, County Auditor, Georgetown, Texas, we held that the expenses of such elections should be paid out of the available maintenance fund of the respective districts holding the elections, as provided in Article 2746b, Revised Civil Statutes. The respective boards of trustees should, therefore, direct the proper discharge of this obligation.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By s/Glenn R. Lewis  
Glenn R. Lewis  
Assistant

GRL:FL:wc

APPROVED SEP 9, 1939  
s/Gerald C. Mann  
ATTORNEY GENERAL OF TEXAS

Approved Opinion Committee By s/BWB Chairman